

REMARKS

Prior to this Amendment claims 1-11 were pending. Claims 1, 8, 10, and 11 were independent. In the Office Action, the Examiner objected to claims 1, 3, and 4 due to formalities and rejected claims 1-11 under 35 U.S.C. § 102(e) for being anticipated by US 2002/0046181 A1 ("Story").

In this Amendment, Applicant amends claims 1-6 and 8-11 and add new claims 12-14 to round out the protection to which Applicant is entitled for the present invention. Consequently, claims 1-14 are now pending, of which claims 1, 5, 10, and 11 are independent. Applicant addresses the Examiner's objections and rejections to the claims in turn below.

Claim Informalities

Claims 1, 3, and 4 were objected to by Examiner due to claim informalities. The claims have been amended to resolve the noted informalities and are now in condition for allowance.

35 U.S.C. § 102(e): Claims 1-7

Applicant respectfully traverses the rejection of claims 1-11 for being anticipated by Story. "To be anticipating, a prior art reference must disclose each and every limitation of the claimed invention[,...] must be enabling[,...] and [must] describe...[the] claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." MPEP §2131, Helifix Ltd. v. Blok-Lok, Ltd., 54 USPQ2d 1299 (Fed. Cir. 2000) (quoting In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994)). Story fails to disclose or suggest the subject matter of the amended claims.

Story discloses a system where a license is issued by a license management device, and the license is both stored in a playback device and included in transferred digital content. (Story Abstract) "When a playback device receives digital content, the playback device checks the digital content for a license that matches the license stored in the playback device." (Id. at paragraph 0041) If the licenses match, the playback device is able to play the digital content. (Id.) However, Story fails to disclose a license management method that can inhibit the transfer of digital content as recited in amended claim 1. Instead, the digital content in Story is always received by the playback device. The playback device simply checks to see whether the license stored in the transferred digital content matches the license contained in the playback device before playing the content.

Amended claim 1 is patentably distinguishable from Story in that it recites, among other things, "issuing the license data to the computer before transferring the contents data." Story fails to teach, describe or suggest, at least this subject matter of claim 1.

Secondly, claim 1 also is patentably distinguishable from Story in that it recites, among other things, "determining... whether or not license data is issued by referring to management data indicating issue status of license data." As explained in the specification, the licensed data and management data may be used to limit the use of the software. (Specification, pgs. 2-5, lines 23-22). This feature can help in preventing a user from installing the software in a plurality of personal computers exceeding the range permitted by the license. In contrast, Story fails to teach, describe or suggest,

“determining... whether or not license data is issued by referring to management data indicating issue status of license data.”

Since the cited art fails to disclose all the limitations of amended claim 1, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of amended claim 1 under §102(e) as anticipated by Story. Applicant also requests, allowance of claim 12 and withdrawal of the Examiner’s rejection of claims 2-7 by virtue of their dependency on claim 1 and the arguments set forth above regarding claim 1.

35 U.S.C. § 102(e): Claims 8 and 9

Independent claim 8 is also patentably distinguishable from Story because it recites for example “storing... management data for managing an issue history of the license data” and “determining permission or inhibition of issuing the license data, before transferring the contents, on the basis of the management data.” As discussed above for claim 1, Story fails to disclose or suggest this subject matter. Therefore, for at least those reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of amended claim 8 under §102(e) as anticipated by Story. Applicant further requests allowance of claim 13 and withdrawal of the Examiner’s rejection of claim 9 by virtue of their dependence on claim 8 and the arguments set forth above regarding claim 1.

35 U.S.C. § 102(e): Claims 10 and 11

Claims 10 and 11 of the patent application were also rejected pursuant to 35 U.S.C. § 102(e). Amended claims 10 and 11 are patentably distinguishable from Story at least in that they recite, “wherein the license data is sent to the computer program before the install or the execution of the specific function.” As explained above, Story

discloses a system where a license is issued by a license management device and the license is stored in a playback device and included in transferred digital content. (Story Abstract) Consequently, Story fails to disclose or suggest the subject matter of claims 10 and 11. Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of amended claims 10 and 11 under §102(e) as anticipated by Story. Moreover, Applicant respectfully requests allowance of new claim 14 at least due to its dependence on allowable claim 11.

Conclusion

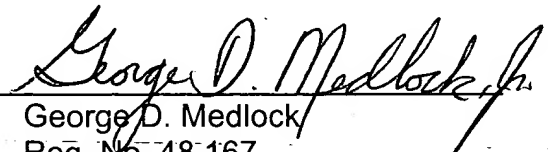
In view of the foregoing amendment and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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